

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

R. WAYNE JOHNSON,	§
	§
Petitioner,	§
VS.	§ CIVIL ACTION NO. 2:15-CV-355
	§
WILLIAM STEPHENS,	§
	§
Respondent.	§

OPINION AND ORDER OF TRANSFER

This is a habeas action filed pursuant to 28 U.S.C. § 2241 on August 17, 2015, by a prisoner incarcerated at the Clements Unit in Potter County, Texas. (D.E. 1). Petitioner is serving a 99 year sentence as a result of a July 28, 1978 Ector County conviction for aggravated rape. (D.E. 1).

It is well established that a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 must be filed in the district where the prisoner is incarcerated. *Hooker v. Sivley*, 187 F.3d 680, 682 (5th Cir. 1999)(citation omitted); *see also Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000)(citations omitted). The Clements Unit is located in Potter County, Texas, which is within the jurisdiction of the United States District Court for the Northern District of Texas, Amarillo Division. 28 U.S.C. § 124(a)(5).

As Petitioner fails to allege any ties to the Southern District of Texas, it appears Petitioner is attempting to circumvent the sanctions imposed by the Amarillo Division of the Northern District of Texas as a result of Petitioner's frivolous and abusive filings.

See Johnson v. U.S. Marine Corps, No. 2:13-CV-0066, 2013 WL 3652377, at **1-7 (N.D. Tex. July 15, 2013).¹

Accordingly, it is ordered that this case be transferred to the United States District Court for the Northern District of Texas, Amarillo Division.

ORDERED this 24th day of August, 2015.



NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE

¹ The sanction, in relevant part, is as follows: Petitioner shall be prohibited from filing any civil action, including habeas corpus actions, in this Court unless he has obtained leave of Court through a proper motion for leave to file such new lawsuit or petition. The motion for leave to file should be independent of any habeas corpus petition or civil rights complaint and must explain why the new lawsuit or petition is not frivolous and show good cause for the Court to accept and file it.